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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,987	06/25/2003	Anthony J. Wasilewski	A-8919	6302

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SCIENTIFIC-ATLANTA, INC.
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EXAMINER
CHAI, LONGBIT

ART UNIT	PAPER NUMBER
2431	

NOTIFICATION DATE	DELIVERY MODE
11/19/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

	Application No.	Applicant(s)
Office Action Summary	10/602,987	WASILEWSKI ET AL.
	Examiner	Art Unit	
	LONGBIT CHAI	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _Applicant summary of interview 9/11/2008_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-19_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-19_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _25 June 2003_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Currently pending claims are 1 – 19.

Response to Arguments

2.   Upon further reviews by Office, the Affidavits filed on 14 March 2007 to support the critical feature of the amended claim limitation (filed on 10/30/2006) in order to distinguish from the prior-arts is not persuasive because (a) an Affidavits filed by one of the inventors is considered as self-interested, (b) the filed Affidavits merely bears a statement without providing clear and specific evidence to substantiate the conclusive statements, and (c) the beneficial priority date appears failing to support the claimed subject matter such as "the selecting performed using an identifier" (filed on 10/30/2006) or "using a packet identifier to select for encryption" (filed on 8/31/2007). Therefore, the beneficial priority date has been denied until such that Applicant can show supports since the priority date is not supported in the sense what is being claimed and the effective filing date of the claims is thus the filing date of the instant application – i.e. 6/25/2003 (without the beneficial priority date).

3.   The rejection of double patenting has been withdrawn in response to the Terminal Disclaimer filed on 22 August 2008.

Claim Rejections - 35 USC § 102

        The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed

in the United States only if the international application designated the United States and was published under Article
21(2) of such treaty in the English language.

4.   Claims 1 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Candelore et

al. (U.S. Patent 7,376,233) – *with incorporated by reference* of Unger et al. (U.S. Patent

2003/0026423).

As per claim **1 and 13**, Candelore / Unger teaches a method for providing a plurality of

programs in a conditional access system, the method comprising the steps of:

using a packet identifier to select for encryption a portion of each of a plurality of

digital bit streams from a transport stream (Candelore: Column 3 Line 51 – 62, Column 6

Line 16 – 22 and Column 4 Line 3 – 16: PID is used by the selective encryption encoder to

determine which packets are to be encrypted according a specific encryption method);

encrypting the selected portion of each of the plurality of digital bit stream

(Candelore: Column 4 Line 3 – 16: PID is used by the selective encryption encoder to determine

which packets are to be encrypted according a specific encryption method);

combining the encrypted portion and the unencrypted portion with the transport

stream (Candelore: Column 6 Line 16 – 51); and

transmitting the combined stream (Candelore: Figure 1).

As per claim **1 and 13**, Candelore / Unger teaches a method for providing a plurality of

programs in a conditional access system, the method comprising the steps of:

using a packet identifier to select for encryption a portion of each of a plurality of

digital bit streams from a transport stream (Unger: Para [0010] Line 1 – 7, Para [0037] Line

1 – 3, Para [0055] & Table 1: some implementation, as disclosed by Unger, of partial dual

encryption involve duplicating only certain packets tagged with a given packet identifier PID –

i.e. the critical packets required for encryption that involves duplicating to achieve dual

encryption purpose are chosen only for those packets identified by (i.e. tagged with) a particular

packet identifier PID);

encrypting the selected portion of each of the plurality of digital bit stream (Unger:

Table 1: EA = Encryption method A for legacy system and EB = Encryption method B for

conventional system);

combining the encrypted portion and the unencrypted portion with the transport

stream (Unger: Figure 6: via a multiplex); and

transmitting the combined stream (Unger: Figure 6).

As per claim 2 and 14, Candelore / Unger teaches each of the plurality of digital bit

streams includes a packet identifier, and wherein using a packet identifier to select for

encryption a portion of each of the plurality of digital bit streams by identifying a predetermined

packet identifier (Candelore: Column 3 Line 51 – 62, Column 6 Line 16 – 22 and Column 4 Line

3 – 16) & (Unger: Para [0010] Line 1 – 7, Para [0037] Line 1 – 3).

As per claim 3 and 15, Candelore / Unger teaches each of the plurality of digital bit

streams includes a packet identifier, and wherein using a packet identifier to select for

encryption selects the plurality of digital bit streams by identifying a plurality of predetermined

packet identifiers (Candelore: Column 3 Line 51 – 62, Column 6 Line 16 – 22 and Column 4

Line 3 – 16) & (Unger: Para [0010] Line 1 – 7, Para [0037] Line 1 – 3).

As per claim 4, Candelore / Unger teaches the selected plurality of digital bit streams are

programs (Unger: Table 1 and Para [0055]).

As per claim 5, Candelore / Unger teaches the selected plurality of digital bit streams are elementary digital bit streams (Unger: Table 1, Para [0087], [0109] and [0010]).

As per claim 6, Candelore / Unger teaches a portion of the selected plurality of digital bit streams is encrypted according to the packet identifier associated with each of the plurality of digital bit streams (Candelore: Column 3 Line 51 – 62, Column 6 Line 16 – 22 and Column 4 Line 3 – 16) & (Unger: Para [0010] Line 1 – 7, Para [0037] Line 1 – 3).

As per claim 7, Candelore / Unger teaches the packet identifier is indicative of each of the plurality of digital bit streams being one of a video stream, an audio stream, and a data stream (Candelore: Column 3 Line 51 – 62, Column 6 Line 16 – 22 and Column 4 Line 3 – 16) & (Unger: Para [0010] Line 1 – 7, Para [0037] Line 1 – 3).

As per claim 8 and 16, Candelore / Unger teaches the encrypted portion includes at least one of the plurality of digital bit streams associated with the video stream (Candelore: Column 3 Line 51 – 62).

As per claim 9 and 17, Candelore / Unger teaches the encrypted portion includes at least one of the plurality of digital bit streams associated with the audio stream (Candelore: Column 3 Line 51 – 62).

As per claim 10 and 18, Candelore / Unger teaches the encrypted portion includes at least one of the plurality of digital bit streams associated with the data stream (Candelore: Column 3 Line 51 – 62).

As per claim 11 and 19, Candelore / Unger teaches the encrypted portion includes at least one of the plurality of digital bit streams associated with at least one of the video stream, the audio stream, and the data stream (Candelore: Column 3 Line 51 – 62).

As per claim 12, Candelore / Unger teaches the portion of the plurality of digital bit streams is encrypted according to a first level encryption method (Unger: Table 1 and Figure 6 / E318 & Para [0054], [0072] and [0073]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LONGBIT CHAI whose telephone number is (571)272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Longbit Chai/

Primary Examiner, Art Unit 2431